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08/846,108

04/25/97

KIM

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LM02/1227

EXAMINER

APFIAH,C

ART UNIT

PAPER NUMBER

2745

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/846,108

Applicant(s)

Klm

Examiner

Charles Appiah

Group Art Unit

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☒ Responsive to communication(s) filed on Nov 17, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 25-62 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 25-62 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Continued Prosecution Application

1. The request filed on 11/17/99 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/846,108 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 25-39, 40 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by **Reele et al. (5,893,037)**.

Regarding claim 25, **Reele** disclose (with reference to FIG. 5), a portable information communication device for communicating with a remotely located telephone, comprising:
a digital camera (camera unit 10 of FIG. 3) and a cellular telephone (cellular phone 28, FIG. 4), electrically connected in a housing (82), with a battery means in the housing for supplying electrical power to the digital camera and the cellular telephone (inherent feature of recharging

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circuitry 74 of FIG. 6, see also col. 6, lines 17-20), means for activating the digital camera for capturing images in view of the housing (see col. 4, line 66 to col. 5, line 9), and means for activating the cellular telephone for wirelessly communicating with the remotely located telephone by dialing the number of the remotely located telephone (see col. 5, lines 25-32), and when the cellular telephone and the remotely located telephone are telephonically connected, then transmitting the images from the digital camera to the remotely located telephone (see col. 5, lines 32-43).

Regarding claim 26, **Reele** further disclose a digital memory (memory unit 52), for storing the images captured by the digital camera (see col. 5, lines 9-12).

Regarding claim 27, **Reele** further disclose means for selectively causing the stored images to be transmitted to the remotely located telephone (see col. 5, lines 38-43).

Regarding claim 28, **Reele** further disclose means in the housing for receiving sounds and the cellular telephone also wirelessly communicating the sounds to the remotely located telephone (see col. 5, line 63 to col. 6, line 10).

Regarding claims 29-31, **Reele** further disclose memory means for storing the sounds, means for selectively causing the stored sounds to be transmitted by the cellular telephone to the remotely located telephone and the cellular telephone simultaneously transmits the image and the sounds (see col. 4, lines 33-46 and col. 5, line 63 to col. 6, line 5).

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Regarding claim 37, **Reele** further disclose a jack connection for directly connecting the digital memory to a computer for downloading the stored images from the digital memory (see col. 6, lines 28-32).

Regarding claim 38 and 39 **Reele** inherently teach an audio recorder mounted in the housing and having means for selectively recording audible transmissions to and from the cellular telephone (see col. 6, lines 1-5).

Regarding claims 40 and 41 **Reele** further teach a switch means for manually activating the digital camera without activating the cellular telephone and switch means for manually activating the digital camera and the cellular telephone for both capturing and transmitting the images (see col. 4, line 67 to col. 5, line 33).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
5. (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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6. Claims 32, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Reele et al. (5,893,037)** as applied to claim 25 above, and further in view of **Simms et al. (5,808,564)**.

Regarding claim 32 and 34 **Reele** further teach sensor means (sensor 16, FIG. 5), mounted in the housing but fails to specifically disclose that the sensor means is for detecting a sound or movement near the housing and for automatically activating the digital camera upon the occurrence of the detected movement or sound and a switch on the housing for selectively arming the sensor means.

Simms teach a personal security system that have remote sensors (41, of FIG. 4) which automatically initiate an action and a switch for selectively arming the sensors (see col. 6, lines 12-33)

It would therefore have been obvious to one of ordinary skill in the art to combine the above teaching of **Simms** with the system of **Reele** in order to provide arming of the sensors, automatic detection and activation of a wide variety of personal security or emergency situations.

Regarding claim 33, **Reele** further teach means in the housing for receiving sounds (microphone 64, FIG. 5), and the cellular telephone also wirelessly communicating the sounds to the remotely located telephone (see col. 5, line 65 to col. 6, line 5), but fails to specifically teach that the sound receiving means is activated when the sensor means detects a sound or motion which is transmitted wirelessly to the remote telephone.

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Simms teach a personal security system that have remote sensors (41, of FIG. 4) which automatically initiate an action upon activation (see col. 6, lines 12-33 and also col. 7, lines 21-56).

It would therefore have been obvious to one of ordinary skill in the art to combine the above teaching of **Simms** with the system of **Reele** in order to provide arming of the sensors, automatic detection and activation of a wide variety of personal security or emergency situations.

7. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Reele et al.** (5,893,037) as applied to claim 25 above, and further in view of **Villa-Real** (4,481,382).

Regarding claim 35, **Reele** fails to specifically disclose the system comprising an AM/FM radio means mounted in the housing and having controls for selective operation.

Villa-Real teach a programmable telephone system that has an integrated AM/FM radio (see FIG. 4).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of **Villa-Real** with the system of **Reele** for the benefit of providing a multi-functional communication device.

8. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Reele et al.** (5,893,037) as applied to claim 25 above.

Regarding claim 36, **Reele** disclose everything as claimed, as applied to claim 25 above but fail to disclose a microphone and earpiece connected by wire means to the cellular telephone for remotely using the cellular telephone. However, Official Notice is taken that the concept of

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using a microphone and earpiece connected by wire means for remotely using a portable telephone such as a cellular telephone is very well known in the art for hands free operations. Hence it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a separate microphone with an earpiece for conveniently using the above system of **Reele** remotely without undue risk taking by a user in emergency situations.

9. Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Reele et al. (5,893,037)** as applied to claim 25 above, and further in view of **Alpert (5,742,666)**.

Regarding claims 41 and 42 **Reele** further teach a switch means for manually activating the digital camera and the cellular telephone for both capturing and transmitting the images (see col. 4, line 67 to col. 5, line 33), but fails to specifically teach that activating the switch means also activates an audible alarm mounted in the housing. However, **Alpert** teach a cellular telephone which also comprises an alarm mechanism (control unit 70, FIG. 3A), it would have been obvious to one of ordinary skill in the art to connect the alarm mechanism as taught by **Alpert** with the manual switch for providing a means for activating an alarm in emergency situations in the invention of **Reele**.

10. Claims 44-47, 50-51, 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Reele et al. (5,893,037)** in view of **Alpert (5,742,666)**.

Regarding claim 44, **Reele** disclose (with reference to FIG. 5), a portable information communication device for communicating with a remotely located telephone, comprising:

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a digital camera (camera 10 of FIG. 1), a microphone (62) and a cellular telephone (28) electrically connected and mounted in a housing (82), with battery means in the housing for supplying electrical power to the digital camera, the microphone and the cellular telephone (inherent feature of recharging circuitry 74 of FIG. 6, see also col. 6, lines 17-20), means for activating the digital camera and microphone for capturing images and sounds within a range of the housing (see col. 4, line 66 to col. 5, line 9), sensor means (sensor unit 16), mounted in the housing for detecting a sound or movement within a predetermined range of the housing (see col. 2, lines 61-63).

Reele additionally teach a means for wirelessly communicating with the remotely located telephone by dialing the number of the remotely located telephone and when the cellular telephone and the remotely connected telephone are telephonically connected, then transmitting the images and sounds from the digital camera and microphone to the remotely located telephone (see (see col. 5, lines 25-43).

Reele does not specifically disclose automatically activating the cellular telephone when the sensor means detects a sound or movement for wirelessly communicating with the remotely located telephone.

Alpert teach a cellular telephone which also comprises an alarm mechanism (control unit 70, FIG. 3A), which automatically places a distress call and sends a message when an emergency is detected (abstract) by an external sensor (see detectors 66, 66a-66d of FIG. 3A).

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Hence it would have been obvious to one of ordinary skill in the art to incorporate the teaching of **Alpert** into the system of **Reele**, in order to communicate more quickly and accurately in emergency situations.

Regarding claim 45, **Reele** further disclose a digital memory (memory unit 52), for storing the images captured by the digital camera (see col. 5, lines 9-12).

Regarding claim 46, **Reele** further disclose means for selectively causing the stored images and the sounds to be transmitted by the cellular telephone to the remotely located telephone (see col. 4, lines 33-46 and col. 5, line 38 to col. 6, line 5).

Regarding claim 47, **Reele** further disclose a jack connection for directly connecting the digital memory to a computer for downloading the stored images from the digital memory (see col. 6, lines 28-32).

Regarding claim 50, **Reele** and **Alpert** disclose everything as claimed, as applied to claim 44 above but fail to disclose a remote microphone and earpiece connected by wire means to the cellular telephone for remotely using the cellular telephone. However, Official Notice is taken that the concept of using a microphone and earpiece connected by wire means for remotely using a portable telephone such as a cellular telephone is very well known in the art for hands free operations. Hence it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a separate microphone with an earpiece for conveniently using the above system of **Reele** and **Alpert** remotely without undue risk taking by a user in emergency situations.

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Regarding claim 51, **Reele** inherently teach an audio recorder means mounted in the housing and having means for selectively recording audible transmissions to and from the cellular telephone (see col. 6, lines 1-5).

Regarding claim 52, **Reele** fails to specifically disclose an alarm means mounted in the housing and being activated to produce an alarm when the sensor means detects a sound or movement.

Alpert teach a cellular telephone which also comprises an alarm mechanism (control unit 70, FIG. 3A), which automatically places a distress call and sends a message when an emergency is detected (abstract) by an external sensor (see detectors 66, 66a-66d of FIG. 3A).

Hence it would have been obvious to one of ordinary skill in the art to incorporate the teaching of **Alpert** into the system of **Reele**, in order to communicate more quickly and accurately in emergency situations.

Regarding claim 53, **Reele** teach battery means (as shown by recharging circuit 74 of FIG. 6, see also col. 6, lines 15-20), but fails to specifically teach that the battery means comprises a single battery. However, since **Reele** teach that the camera and the cellular telephone can be provided as an integrated module (col. 6, lines 15-16), it would have been obvious to one of ordinary skill in the art to provide a single battery means to power the combined camera and cellular telephone in order to reduce circuit components.

11. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Reele et al.** (5,893,037) as applied to claim 44 above, and further in view of **Villa-Real** (4,481,382).

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Regarding claim 49, **Reele** fails to specifically disclose the system comprising an AM/FM radio means mounted in the housing and having controls for selective operation.

Villa-Real teach a programmable telephone system that has an integrated AM/FM radio (see FIG. 4).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of **Villa-Real** with the system of **Reele** for the benefit of providing a multi-functional communication device.

12. Claims 54-58-59, 60 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Reele et al. (5,893,037)** in view of **Alpert (5,742,666)** and further in view of **Villa-Real (4,481,382)**.

Regarding claim 54, **Reele** disclose (with reference to FIG. 5), a portable information communication device for communicating with a remotely located telephone, comprising: a digital camera (camera 10 of FIG. 1), a microphone (62) and a cellular telephone (28) electrically connected and mounted in a housing (82), with battery means in the housing for supplying electrical power to the digital camera, the microphone and the cellular telephone (inherent feature of recharging circuitry 74 of FIG. 6, see also col. 6, lines 17-20), means for activating the digital camera and microphone for capturing images and sounds within a range of the housing (see col. 4, line 66 to col. 5, line 9), sensor means (sensor unit 16), mounted in the housing for detecting a sound or movement within a predetermined range of the housing (see col. 2, lines 61-63).

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Reele additionally teach a means for wirelessly communicating with the remotely located telephone by dialing the number of the remotely located telephone and when the cellular telephone and the remotely connected telephone are telephonically connected, then transmitting the images and sounds from the digital camera and microphone to the remotely located telephone (see (see col. 5, lines 25-43), and a jack connection for directly connecting the digital memory to a computer for downloading the stored images from the digital memory (see col. 6, lines 28-32).

Alpert teach a cellular telephone which also comprises an alarm mechanism (control unit 70, FIG. 3A), which automatically places a distress call and sends a message when an emergency is detected (abstract) by an external sensor (see detectors 66, 66a-66d of FIG. 3A).

Hence it would have been obvious to one of ordinary skill in the art to incorporate the teaching of **Alpert** into the system of **Reele**, in order to communicate more quickly and accurately in emergency situations.

The combination of **Reele** and **Alpert** does not teach an AM/FM radio means mounted in the housing and having controls for selective operation of the AM/FM radio means.

Villa-Real teach a programmable telephone system that has an integrated AM/FM radio (see FIG. 4).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of **Villa-Real** with the system of **Reele** and **Alpert** for the benefit of providing a multi-functional communication device.

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Regarding claims 55 and 56 **Reele** inherently teach an audio recorder mounted in the housing and having means for selectively recording audible transmissions to and from the cellular telephone and selectively recording sounds within a range of the housing (see col. 6, lines 1-5).

Regarding claims 57 and 58 **Reele** further teach a switch means for manually activating the digital camera without activating the cellular telephone and switch means for manually activating the digital camera and the cellular telephone for both capturing and transmitting the images (see col. 4, line 67 to col. 5, line 33).

Regarding claim 59 and 60 the combination of **Reele**, **Alpert** and **Villa-Real** fails to specifically teach that activating the switch means also activates an audible alarm mounted in the housing. However, since **Alpert** teach a cellular telephone which also comprises an alarm mechanism (control unit 70, FIG. 3A), it would have been obvious to one of ordinary skill in the art to connect the alarm mechanism as taught by Alpert with the manual switch for providing a means for activating an alarm in emergency situations in the combination above.

Regarding claim 62, **Reele**, **Alpert** and **Villa-Real** disclose everything as claimed, as applied to claim 54 above but fail to disclose a microphone and earpiece connected by wire means to the cellular telephone for remotely using the cellular telephone. However, Official Notice is taken that the concept of using a microphone and earpiece connected by wire means for remotely using a portable telephone such as a cellular telephone is very well known in the art for hands free operations. Hence it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a separate microphone with an earpiece for conveniently using the above

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system of **Reele Alpert** and **Villa-Real** remotely without undue risk taking by the user in emergency situations.

13. Claims 48 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Reele et al. (5,893,037)** and **Alpert (5,742,666)** as applied to claims 44 and 54 above, and further in view of **Simms et al.(5,808,564)**.

Regarding claims 48 and 61 **Reele** further teach sensor means (sensor 16, FIG. 5), mounted in the housing. The combination of **Reele** and **Alpert** fails to specifically disclose that the sensor means is for detecting a sound or movement near the housing and for automatically activating the digital camera upon the occurrence of the detected movement or sound and a switch on the housing for selectively arming the sensor means.

Simms teach a personal security system that have remote sensors (41, of FIG. 4) which automatically initiate an action and a switch for selectively arming the sensors (see col. 6, lines 12-33)

It would therefore have been obvious to one of ordinary skill in the art to combine the above teaching of **Simms** with the system of **Reele** and **Alpert** in order to provide arming of the sensors, automatic detection and activation of a wide variety of personal security or emergency situations.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Simms et al. (5,334,974), teach a personal security system.

Ohnsorge (5,485,504) teach a hand-held radiotelephone with video transmission and display.

Umezawa et al. (5,491,507), disclose a video telephone equipment.

Garrett, Sr. et al. (5,515,285), teach a system for monitoring a vehicle in crisis.

Parulski et al. (5,666,159 and 5,943,603), teach an electronic camera with programmable transmission capability.

Purdy et al. (5,726,660), disclose a personal data unit that can collect video and audio data.

Hull et al. (5,806,005), teach a wireless digital image transfer system.

Moghadam et al. (5,917,542) disclose a system for digital image capture and transmission.

Hackett et al. (5,926,210), disclose a mobile ground-based security system that transmits images.

Turner (6,002,326), teaches an automotive anti-theft system.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is (703) 305-4772. The examiner can normally be reached on M-F from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reinhard J. Eisenzopf, can be reached on (703) 305-4711.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900. The Group fax number is (703) 305-9508.

Serial Number: 08/846,108

CA
Charles Appiah

December 20, 1999

Nguyen Vo
12/20/99

NGUYEN VO
PRIMARY EXAMINER